

# THE PUPIL TRANSPORTATION ACT

## Act 187 of 1990

AN ACT to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

*The People of the State of Michigan enact:*

### 257.1801 Short title.

Sec. 1. This act shall be known and may be cited as “the pupil transportation act”.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### 257.1803 Meanings of words and phrases.

Sec. 3. For the purposes of this act, the words and phrases defined in sections 5 to 7 shall have the meanings respectively ascribed to them in those sections.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### 257.1805 Definitions; M to S.

Sec. 5. (1) “Modified school bus” means a school bus of any age with a factory installed fuel system that has been modified to operate on a fuel source other than gasoline or diesel fuel.

(2) “Motor bus” and “motor carrier of passengers” mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

(3) “Nonpublic school” means a private school, a denominational school, or a parochial school as defined by law.

(4) “Public school” means a local school district, a local act school district, a public school academy, a university school, or an intermediate school district as defined by law.

(5) “Pupil transportation vehicle” means any vehicle other than a school bus with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, that is used to transport pupils to or from school or school-related events. Pupil transportation vehicle does not include a vehicle operated by a motor carrier of passengers or a public transit agency, or a vehicle used by a parent or a parent's designee to transport his or her children to or from school or school-related events.

(6) “Rehabilitated school bus” means a bus that is at least 4 years old and has accumulated at least 100,000 miles, or is 7 years old; and that has been thoroughly inspected and had all systems repaired, replaced, or adjusted to meet the department of state police inspection requirements including but not limited to:

- (a) Engine overhaul of short block.
- (b) New tires on the front axle.
- (c) New recap tires on the rear axle.
- (d) New brake linings and drums.
- (e) New hydraulic brake lines.
- (f) New front and rear springs.
- (g) New paint in the interior.
- (h) New exhaust system.

(7) “Rule” means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(8) “School” means either a public school or a nonpublic school, or both.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000.

### 257.1807 Definitions; S, T.

Sec. 7. (1) “School bus” means a motor vehicle, other than a pupil transportation vehicle, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of pupils to or from school or school-related events that is owned by a school or is used to transport pupils under a contract or

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agreement with a school. School bus does not include a vehicle operated by a public transit agency or authority or by a motor carrier certified by the state transportation department unless the vehicle is used exclusively to transport pupils or is used to transport pupils along a route designed to serve 1 or more schools in a school district if elementary school pupils along the route are required to cross the highway or roadway, as described in section 55. For the purposes of this act, a parent, parent's designee, or guardian transporting his or her child or another child with written permission of the other child's parent or guardian on a school-related event, if not compensated by the school, shall not be considered an agent of the school.

(2) "School transportation vehicle" means any motor vehicle with a manufacturer's rated seating capacity of 10 passengers or less, including the driver, when operated for the scheduled transportation of pupils to or from school or school-related events. School transportation vehicle does not include a vehicle used by a parent or parent's designee to transport children to or from school or school-related events.

(3) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

(4) "Type II school bus" means a school bus with a gross vehicle rating of 10,000 pounds or less.

(5) "Type I premium school bus" means a school bus with a passenger capacity of over 66 pupils and any other school bus purchased by a district at a cost for the vehicle, excluding interest and special equipment, which exceeds by more than 15% the average cost of a school bus meeting state minimum specifications of the same capacity purchased during the same year.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1992, Act 227, Imd. Eff. Oct. 16, 1992;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000.

### **257.1809 Pupil transportation; regulation; routes; vehicles and equipment; rules.**

Sec. 9. The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The state board shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the state board, shall promulgate rules for safety specifications and operational procedures for school buses and pupil transportation vehicles.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions; exemptions.**

Sec. 10. (1) Each motor vehicle owned or operated by a public or private nonpublic school, an agent of a school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that vehicle and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events after October 1, 2002, except as provided in this act.

(3) A school shall not purchase a vehicle to transport pupils to or from school or school-related events having a manufacturer's rated seating capacity of 11 or more passengers, including the driver, that does not meet or exceed the passenger protection federal motor vehicle safety standards applicable to that vehicle. A school shall not purchase a vehicle to be used to transport passengers to or from school or school-related events for which there are no applicable passenger protection federal motor vehicle safety standards. This subsection applies to vehicles, other than school buses, purchased on or after October 1, 1993.

(4) Vehicles used by parents or a parent's designee to transport their children to and from school and school-related events under contract with the school are exempt from the requirements of this section.

(5) Subsection (2) does not apply to a commercial motor vehicle operated by a carrier certificated by the state transportation department, or a bus operated by a public transit agency or authority excluded from the definition of school bus as described in section 7(1).

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 191, Imd. Eff. May 13, 1996;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000.

### **257.1810a Contract with motor carrier; authorization.**

Sec. 10a. (1) A school may contract with a motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events.

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(2) The department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils.

**History:** Add. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000.

### **257.1811 Applicability of §§ 257.1811 to 257.1821; body width and height of type I and type II school buses; attachment of bus to chassis; use of spacers; bus floor; doors; steps; emergency exit; insulation; book racks prohibited; electrical system.**

Sec. 11. (1) This section and sections 13 to 21 apply to both type I and type II school buses except where specifically provided otherwise.

(2) A type I school bus shall have an outside body width of not more than 96 inches; an outside overall length of not more than 40 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 96 inches; and an inside height of not less than 60 inches, aisle floor surface to ceiling.

(3) A bus shall be attached firmly to the chassis. A spacer shall be inserted between the body and the frame at every point of contact so that shearing stresses are not put on rivet heads.

(4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and so constructed and maintained that exhaust gases cannot enter the bus. The floor, including wheelhousing, shall be covered and maintained with 1/8-inch smooth rubber or an equivalent as determined by the department of state police. The aisles shall be covered and maintained with 3/16-inch ribbed rubber or an equivalent as determined by the department of state police. The rib-aisle shall continue to the stepwell. Metal longitudinal strips shall be applied to the aisle seams. Floors shall be covered to the walls. All closures between the body and the engine compartment shall be fitted with gaskets which effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not be rubber-covered but shall be firmly attached. Plywood floors are optional.

(5) Sedan-type doors shall not be used on type I school buses. When a jackknife-type service door is used, it shall fold forward toward the front of the bus. If a split-type service door is used, it shall open outward. Sedan-type doors may be used on service entrances of type II buses. The steps of a service door entrance shall be covered with 3/16-inch molded ribbed rubber or other nonslip surface.

(6) An emergency exit shall be provided as follows:

(a) Type I school bus: the upper and lower portion of the central rear emergency door shall be equipped with approved safety glass. The door shall be hinged on the right side and the door handle located on the extreme left. Piano hinges shall not be used. The handle shall be in the vertical position when latched. A locking device of any kind shall not be attached to, or made a part of, the emergency door unless the locking device meets all of the following criteria:

(i) The device is integrated into the ignition system.

(ii) The device is tamper resistant.

(iii) The device has an audible alarm system.

(iv) The device has an audible alarm near the driver's seat that will sound when the door is locked and the ignition is on.

(v) The device is approved by the department of state police.

(b) Type II school bus: subdivision (a) applies to type II buses except that body gauge metal may be substituted for safety glass in the lower portion of the rear emergency door, and double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch.

(7) A bus body shall be lined with fiberglass or a comparable nonsettling, nonabsorbent insulation.

(8) Book racks shall not be installed in a school bus.

(9) The electrical system shall be 12 volt D.C. provided through an alternator with a minimum of 100 amp rating and a minimum battery storage capacity of 500 CCA with gasoline engine, or 900 CCA with diesel engine provided through 1 12-volt battery, 2 12-volt batteries, or 2 6-volt batteries. There shall not be an opening through the floor of the bus to service the battery.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1813 Air brake system.**

Sec. 13. (1) A school bus that is equipped with an air brake system shall be equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release and to

prevent release by the driver unless energy is available for reapplication. The air brake system shall be provided with an electrically heated moisture ejector on each air reservoir or shall be provided with an after cooler type air dryer with an electrically heated purge valve. The use of moisture ejectors together with an air dryer is optional. Each air reservoir in the system shall be equipped with a manual petcock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in petcock, a separate manual petcock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches of clearance between the ground and the lowest part of the tank or tank component.

(2) A school bus manufactured after July 15, 1982 that has a rated seating capacity of 60 or more passengers is not required to be equipped with an air brake system.

(3) A school bus manufactured before July 7, 1981 may use an air dryer system.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

#### **257.1815 Exterior lamps and signals on bus.**

Sec. 15. The location, number, and color of all exterior lamps and signals on a school bus shall be in conformance with current United States department of transportation, federal motor vehicle safety regulations found in 49 CFR part 571 and in section 698 of the Michigan vehicle code, 1949 PA 300, MCL 257.698.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

#### **257.1817 Signal lights; stoplights; flasher lamps; applicability to school buses manufactured before October 1, 1990; conformance with federal regulations.**

Sec. 17. (1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight.

(3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position.

(4) Signal lights and stoplights under this section shall be in conformance with current United States department of transportation federal motor vehicle safety regulations found in 49 CFR part 571.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

#### **257.1819 Red and amber signal lights; applicability to new school buses.**

Sec. 19. (1) This section applies to new school buses manufactured on or after October 1, 1990 and to school buses manufactured before October 1, 1990 that are retrofitted to meet the requirements of this section.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level.

(3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened.

(4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

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### **257.1821 Windshield wipers and washers; washer reservoir; slanted windshield; safety glass.**

Sec. 21. (1) A school bus shall be equipped with 2 windshield wipers and 2 windshield washers. A washer reservoir shall be 70 ounces or more.

(2) A windshield shall be slanted to prevent glare and large enough to permit the driver to see the road clearly.

(3) All glass shall be safety glass and shall comply with the requirements of section 27, where applicable.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1823 Vision; mirrors; sun shades; applicability.**

Sec. 23. (1) A school bus or pupil transportation vehicle shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area having a length defined as the length of the vehicle plus not less than 18 feet in front of the vehicle and a width defined as the width of the vehicle plus not less than 2 feet on either side of the vehicle. A mirror used to comply with this subsection shall be at least 7-1/2 inches in diameter and convex in shape.

(2) The interior mirror shall be clear view, safety glass with a reflective surface of 6 inches in height by 30 inches in width for type I school buses, and shall be metal-backed and framed. It shall have rounded corners and padded edges. Interior mirrors for type II school buses shall have a reflective surface of 6 inches in height by 15 inches in width and shall be protected by framing and padding as for type I school buses. The interior mirror for a pupil transportation vehicle shall be as provided by the manufacturer and approved by the department of state police.

(3) Sun shades, if installed, shall be mounted so that the mounting brackets are not likely to cause injury in the event of an accident.

(4) This section does not apply to a pupil transportation vehicle other than a passenger van that is used as a pupil transportation vehicle.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990.

### **257.1825 Fire extinguisher; first aid kit; fusees and reflectors.**

Sec. 25. (1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that is approved by the department of state police and that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.

(2) A school bus or pupil transportation vehicle shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:

- |   |             |
|---|-------------|
| (a) Bandage compress (sterile gauze pads), 4-inch.....  | 2 packages. |
| (b) Bandage compress (sterile gauze pads), 2-inch.....  | 2 packages. |
| (c) Adhesive compress, 1-inch.....                      | 2 packages. |
| (d) Triangular bandage with 2 safety pins, 40-inch..... | 1 package.  |
| (e) Roll gauze.....                                     | 1 package.  |
| (f) Elastic bandage, 3-inch.....                        | 1 package.  |

Antiseptics and burn ointments shall not be included, except as required by the state transportation department.

(3) A school bus or a pupil transportation vehicle shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1827 Safety glass; push-out window sash; definition.**

Sec. 27. (1) A school bus or pupil transportation vehicle shall be equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966 may be used on school buses in lieu of safety glass, except that



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front windshields shall be equipped with safety glass. School buses shall be fitted with at least 1 push-out window sash on each side of any school bus on which the plastic panes are installed.

(2) As used in this section, "safety glass" means a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1829 Gasoline tank or container; intake pipe; fuel lines.**

Sec. 29. Any part of a gasoline tank or container or intake pipe shall not be located within or above the passenger-carrying portion of a school bus unless securely sealed off from that portion by means of a substantial metal cover. Fuel lines shall not extend above the frame rails. The gasoline container, including intake pipe, cap and vent on a school bus manufactured subsequent to December 31, 1964, shall be so designed that, in the event of overturn, the gasoline will not be spilled at a rate in excess of 1 ounce per minute.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1831 Flashing, oscillating, or rotating light; location; color; use.**

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus which light may be actuated by the driver for use only in inclement weather such as fog, rain, or snow, when boarding or discharging passengers, from 1/2 hour before sunset until 1/2 hour after sunrise, or where conditions hinder the visibility of the school bus.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1833 Paint.**

Sec. 33. (1) A school bus shall be painted as follows:

- (a) The body, cowl, hood, and fenders shall be national school bus chrome yellow.
  - (b) The bumper, body trim, wheels, and lettering shall be black. The wheel rims shall be gray, black, or natural, as provided by the manufacturer.
  - (c) The wheel covers, if painted, shall be black.
  - (d) The grill, if not chrome, shall be national school bus chrome yellow.
  - (e) The mirrors, if painted, shall be black or yellow.
  - (f) The name of the school district shall be painted in black on the back, front, and sides of the bus.
- (2) Except for a bus leased seasonally to transport agricultural workers to and from a field for agricultural operations, a bus, other than a school bus, shall not be painted, in whole or in part, in the colors and design specified in subsection (1).

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2001, Act 130, Imd. Eff. Oct. 15, 2001.

### **257.1835 Markings.**

Sec. 35. A school bus shall be marked as required by department of education standards for school bus markings and operational procedures available from the department of education at no cost. As an exception to these standards, animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1837 Standards; applicability; copies.**

Sec. 37. Standards prescribed in this act for a school bus apply to buses manufactured subsequent to 1977. Copies of the standards in composite form shall be made available from the department of education at no cost.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1839 Inspections.**

Sec. 39. (1) The department of state police shall inspect each school bus and pupil transportation vehicle annually, and more frequently at a school where school bus or pupil transportation vehicle defects have been found, to determine if the school bus or pupil transportation vehicle meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section.

(2) Inspection of a school bus or pupil transportation vehicle may be accomplished at any time, at any location,

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on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus or pupil transportation vehicle may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus or pupil transportation vehicle is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.

(3) A person having control over the operation of a school bus or pupil transportation vehicle shall not operate or permit to be operated a school bus or pupil transportation vehicle which has not been inspected under this section.

(4) A modified school bus which uses liquefied petroleum gas shall not be used to transport pupils unless the installation of the fuel system has been inspected and approved as safe by the department of state police.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1841 Rejection; red sticker; yellow sticker; reinspection; passing sticker.**

Sec. 41. (1) A school bus or pupil transportation vehicle may be rejected by the inspecting state official for use in transporting passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act.

(2) A vehicle that is determined by a state police official to be unsafe for further operation as a school bus or pupil transportation vehicle shall not be used in the transportation of any passengers. An unsafe vehicle shall have affixed to its windshield, by the state police official, a red sticker which shall read as follows: "This vehicle may not be driven in the transportation of any passenger. Utilization of this vehicle to transport passengers is in violation of law. [reverse side] Do not remove without State Police authorization." The sticker shall remain until the condition is corrected.

(3) A school bus or pupil transportation vehicle that is considered to be in unsatisfactory condition, but that is safe for operation, shall have affixed to its windshield by the state police official a yellow sticker which shall read as follows: "This vehicle has equipment defects. [reverse side] Repairs and reinspection shall be obtained on or before \_\_\_\_\_. Do not remove without State Police authorization." If, upon reinspection, the vehicle defect has not been repaired, replaced, or corrected, the state police official shall remove the yellow sticker and affix a red sticker to the vehicle. Exceptions may be made when the necessary parts or equipment has been ordered but not received at the time of reinspection. Reinspection may take place within 60 days after the original inspection.

(4) A school bus or pupil transportation vehicle that is considered to be in satisfactory condition after inspection by a state police official shall have a Michigan vehicle inspection passing sticker affixed to its windshield.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1843 Inspection of new school bus or pupil transportation vehicle.**

Sec. 43. The department of state police shall inspect a new school bus and a new pupil transportation vehicle before a school accepts delivery. The department of state police shall determine whether the new vehicle is acceptable for delivery. The department of state police may delegate the inspection of new school buses and pupil transportation vehicles to publicly employed inspectors if the inspection complies with this subsection. A school shall not accept delivery of a new school bus or pupil transportation vehicle unless the new vehicle has been inspected and granted final approval by the department of state police under this subsection and title to the school bus or pupil transportation vehicle has been obtained by the school in compliance with this act.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1849 Age of driver; chauffeur's license, vehicle group designation, and passenger vehicle indorsement required; persons prohibited from operation of school bus or pupil transportation vehicle.**

Sec. 49. (1) A person, whether or not licensed under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, who is 17 years of age or less shall not drive a school bus or pupil transportation vehicle.

(2) A person shall not operate a school bus or pupil transportation vehicle used for the regularly scheduled transportation of passengers to and from school and home unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, and a passenger vehicle indorsement under section 312e of Act No. 300 of the Public Acts of 1949, being section 257.312e of the Michigan Compiled Laws.

(3) A person shall not operate a school bus or pupil transportation vehicle or a school administrator or a person or entity under contract with a school to provide pupil transportation services shall not knowingly permit a person to

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operate a school bus or pupil transportation vehicle for the scheduled transportation of pupils to and from school or school-related events if that person has 7 or more penalty points for moving violations on his or her driving record under section 320a of Act No. 300 of the Public Acts of 1949, being section 257.320a of the Michigan Compiled Laws, or if the person has a restricted license due to a conviction for a violation of section 625 of Act No. 300 of the Public Acts of 1949, being section 257.625 of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1994, Act 309, Eff. Mar. 30, 1995.

### **257.1851 School bus safety education.**

Sec. 51. (1) A driver of a school bus transporting passengers or a driver of a pupil transportation vehicle used for the regularly scheduled transportation of passengers to and from school and home shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years. The entry level course shall be available to the school bus driver within 90 days of enrollment. Enrollment certificates shall expire 10 days after the end of the entry level course in which the driver is enrolled. A second enrollment certificate shall not be issued. The entry level course and subsequent 6-hour continuing education course shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency. The certificate of successful completion of each course shall be prescribed by the superintendent of public instruction and successfully completed by an instructor of the course. Failure to successfully complete the entry level course or to complete the 6-hour continuing education course within 2 years after certification of successful completion of a prior course shall be reported by the instructional agency to the department of education and to the school which employs the driver. A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers or a pupil transportation vehicle used for the regularly scheduled transportation of passengers to and from school and home.

(2) The person or persons in charge of school bus operations at a school shall have, at a minimum, successfully completed the introductory school bus safety education course established in subsection (1) and shall complete not less than 6 hours of continuing education every 2 years. The continuing education course or courses shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency.

(3) The cost of any course instruction and the base rate of compensation of the driver shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. Attendance by a person at an entry level course, a continuing education course, or an on-road driver skills test as required by this section or section 52 shall be considered compensable work time by the school and the person shall be paid at not less than their base rate as determined by their individual contract of employment or their contractual rate as negotiated between the school and the person's collective bargaining representative.

(4) The legislature shall appropriate the funds necessary to implement this section and section 52.

(5) The department of education shall report to the legislature the cost of implementing this section and section 52 by January 1, 1991.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1852 On-road driver skills test.**

Sec. 52. (1) The department shall administer an on-road driver skills test as developed by the department and the school bus safety advisory committee created under section 70 and approved by the state board of education.

(2) The on-road driver skills test is to be conducted by an examiner not employed by the same agency or school of the driver being tested.

(3) The on-road driver skills test shall be administered to each school bus and pupil transportation vehicle driver who has met the minimum threshold for a required safety evaluation as established by the department and the school bus safety advisory committee and approved by the state board of education. The on-road driver skills test shall be administered within 30 days after a driver has met the established minimum threshold.

(4) In addition to any on-road driver skills test or tests given to a driver who has met the minimum threshold for a required on-road driver skills test, the department shall implement a requirement for the testing of each school bus and pupil transportation vehicle driver within each 4-year period that the person is assigned to drive a school bus or pupil transportation vehicle if the on-road testing is recommended by the school bus safety advisory committee and approved by the state board of education.

(5) A driver who fails to successfully complete the on-road driver skills test shall not be permitted to drive a school bus or pupil transportation vehicle used for the regularly scheduled transportation of passengers to and from



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school and home. A driver who fails the on-road driver skills test required by this section may retake the test under guidelines developed by the department and the school bus safety advisory committee and approved by the state board of education.

(6) A school may require all of its school bus and pupil transportation vehicle drivers to take the on-road driver skills test as developed by the department and the school bus safety advisory committee created under section 70 and approved by the state board of education.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1853 Regular and substitute drivers of school buses; qualifications; records; background check; smoking; alcoholic liquor or controlled substance; third party reimbursement or certain benefits not required.**

Sec. 53. (1) All regular drivers and substitute drivers of school buses transporting passengers and pupil transportation vehicles used for the regularly scheduled transportation of passengers to and from home shall, at a minimum, meet the following qualifications:

(a) The requirements of sections 49 and 51.

(b) For a school bus or pupil transportation vehicle operating in intrastate transportation, the annual physical requirements for school bus and pupil transportation vehicle drivers as authorized by the superintendent of public instruction. In meeting these physical requirements, the driver shall be examined by a licensed physician, physicians' assistant, or certified nurse practitioner and shall present the medical certificate to the employer.

(c) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver in accordance with subdivision (b) at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment covered under the requirements of subdivision (b) the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision shall be paid for by the employer.

(d) A copy of the medical certificate for a driver shall be carried by that driver while he or she is operating a school bus or pupil transportation vehicle.

(2) A record of each employed school bus or pupil transportation vehicle driver, including a copy of his or her medical certificate, department of education certification, driver license, certificate of road test application for employment, and any other information that relates to driver qualification or ability to safely drive a school bus or pupil transportation vehicle, shall be maintained in the employer's administrative office.

(3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle inspectors of the department of state police.

(4) Upon receipt of an application from a person for the position of school bus driver or pupil transportation vehicle driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses:

(a) Criminal sexual conduct in any degree.

(b) Assault with intent to commit criminal sexual conduct.

(c) An attempt to commit criminal sexual conduct in any degree.

(d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.

(e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(5) A person shall not smoke on a school bus or pupil transportation vehicle.

(6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus or pupil transportation vehicle.

(7) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 131, Imd. Eff. June 3, 2004.

### **257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the roadway" explained.**

Sec. 55. (1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or

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private road and transporting passengers primarily other than school pupils.

(2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner:

(a) If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane when boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(c) If the pupils are not required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(d) If the pupils are not required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(e) If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 45 miles per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were required to cross the roadway.

(f) Except as provided in subdivision (e), if the pupils are not required to cross the roadway and where the bus may be pulled off the roadway or private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were required to cross the roadway.

(g) The distance of not less than 200 feet required for light activation by this subsection shall be measured on the roadway or private road on which the stop is made for receiving or discharging pupils.

(3) Pupils crossing the roadway upon being discharged from a school bus shall cross in front of the stopped school bus. If a school district authorizes its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal shall be uniform throughout the school district.

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(4) The driver of a school bus shall not stop the bus for the purpose of receiving or discharging pupils in the following instances:

(a) Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services.

(b) Upon a limited access highway or freeway, or upon any other highway or roadway that has been divided into 2 roadways by leaving an intervening space, a physical barrier, or clearly divided sections so constructed as to impede vehicular traffic if the pupils are required to cross the roadway.

(c) Upon a roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the roadway.

(5) The driver of a school bus when using the alternately flashing overhead red lights shall not stop the bus on any highway or roadway for the purpose of receiving or discharging pupils under the following conditions:

(a) If the lawful speed limit is more than 35 miles per hour and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway for at least 400 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(b) If the lawful speed limit is 35 miles per hour or less and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway, for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(c) Within 50 feet of an intersection if the intersection is controlled by a traffic control signal.

(6) A school may provide instruction on proper school bus etiquette which may include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road crossing procedures and the correct hand signal in the district, if any. If a school uses school bus drivers for this instruction, the state board may reimburse the school for this training.

(7) For the purpose of this section, "required to cross the roadway" does not include crossing the roadway with the assistance of a traffic control signal, or with the assistance of a school crossing guard as defined in section 57b of the Michigan vehicle code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on which the stop is being made.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 1991, Act 184, Imd. Eff. Dec. 27, 1991;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

### **257.1857 Railroad track grade crossings; requirements; "abandoned railroad track" defined; violation as civil infraction; fine; processing.**

Sec. 57. (1) Except as provided in subsections (2), (3), and (4), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:

(a) The track has been abandoned pursuant to the former provisions of Act No. 56 of the Public Acts of 1919, being sections 469.241 to 469.246 of the Michigan Compiled Laws; section 14 of Act No. 300 of the Public Acts of 1909, being section 462.14 of the Michigan Compiled Laws; or federal law.

(b) The track has been covered or removed.

(c) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.

(5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil

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infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996.

### **257.1859 Persons eligible for transportation; applicability of subsection (1); limitation as to seating; violation as civil infraction; fine; processing.**

Sec. 59. (1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school a person other than pupils, persons enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other persons authorized by the school for the protection of property or the health, safety, and welfare of the pupils or persons attending other school related functions, or both. This subsection shall not apply during the transportation of persons under section 65.

(2) After the fourth Friday following Labor day of each school year a school bus shall not be used to transport more than 100% of the number of persons for which the school bus has a rated seating capacity.

(3) A person who violates or directs a violation of this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996.

### **257.1861 Speed limits; violation; penalty.**

Sec. 61. A person driving a school bus shall not exceed the speed limits established for this type of vehicle under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws. A person who violates this section is subject to the penalty assessed for violation of section 627 or 627b of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.627 and 257.627b of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1863 Incidents to be reported; format; summary report; copies; recommendations; rights of school employees; collective bargaining agreements.**

Sec. 63. (1) A school shall report the following incidents to the department of education on the national association of pupil transportation accident reporting format:

- (a) Each incident that results in a fire on a school bus or pupil transportation vehicle.
- (b) Each school bus or pupil transportation vehicle accident that results in property damage of \$500.00 or more.
- (c) Each school bus or pupil transportation vehicle accident that results in personal injuries to passengers, pedestrians, or drivers.

(2) The department shall compile a summary report of the data received pursuant to subsection (1) and shall return a copy of the report to each school with any recommendations for change.

(3) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1865 Use of school bus for transporting persons other than pupils; mileage, insurance, fees, and other costs; priority; purchase of additional school buses; checking and servicing school buses; definition; rights of school employees; collective bargaining agreements.**

Sec. 65. (1) Pursuant to an agreement made under subsection (4), a school may permit the use of a school bus which is not otherwise being used for school purposes by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members to or from an activity, event, or outing, if the school determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the school.

(2) A school may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The school may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school, its officers, or

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employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the school shall be given first priority for any transportation furnished by the school.

(3) A school shall not purchase additional school buses for the sole purpose of implementing this section.

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a school within its area for the use of school buses to transport senior citizens or retired or disabled persons, or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1) and subject to the terms and conditions in subsection (5).

(5) A school may contract with a federal, state, or local unit of government or an authorized government subcontractor for the use of a school bus to transport persons, if all of the following conditions exist:

(a) The school bus is not being used for school purposes.

(b) The persons are to be transported to or from an activity which is sponsored or operated by the unit of government.

(c) The school bus is not to be used for transporting freight, goods, or merchandise other than that which is carried on the laps of individual passengers.

(d) A subcontractor of a unit of government has obtained written evidence of a contract with the governmental agency which shows that the subcontractor is authorized to expend funds for the transportation for which the use of a school bus is requested.

(e) It is determined that other suitable or economical transportation is not available.

(6) A school bus shall be returned in adequate time to be properly checked and serviced for its scheduled route assignment.

(7) As used in this section, "nonprofit organization" means any 1 of the following:

(a) A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.

(c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.

(8) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1867 Contract for use of school bus by government; costs; insurance; stipulation; limitation.**

Sec. 67. (1) In compliance with section 65(8), if a determination is made that economically feasible private transportation does not exist, a school may contract with a federal, state, or local unit of government, or a subcontractor of these units, for the use of a school bus to transport persons to or from an activity or function sponsored or operated by the unit of government. The governmental agency, or subcontractors of the governmental agency, shall pay the full costs incurred in the use of a school bus. A school bus may be contracted out only in compliance with the provisions of the school insurance policy and any joint stipulations of the school and the school bus drivers including, but not limited to, any collective bargaining agreements in force or if no collective bargaining agreement exists, agreement with the bargaining agent if it has been designated. A school shall not purchase additional school buses for the sole purpose of implementing this provision of law.

(2) The provision of school buses for the purpose provided in subsection (1) shall not be made if bus service for K to 12 pupils of the school would be compromised.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1869 Purchasing pupil transportation vehicles and school buses; rehabilitation of school buses; costs; rules.**

Sec. 69. The cost of purchasing pupil transportation vehicles and school buses and the rehabilitation of school buses to extend the period of usefulness shall conform with the rules promulgated by the department of education to provide state aid to eligible school districts for the purchase of pupil transportation vehicles and school buses and the cost of rehabilitation of school buses to extend the period of usefulness.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.



**257.1870 Advisory committee; establishment; purpose; membership; duties.**

Sec. 70. (1) The department of education shall establish an advisory committee to advise the department on issues and topics concerning school buses and school bus safety. The advisory committee shall consist of a member from each of the following departments or organizations:

- (a) The department.
- (b) The department of state police.
- (c) The state transportation department.
- (d) The department of state.
- (e) The Michigan association for pupil transportation.
- (f) The Michigan association of school business officials.
- (g) The Michigan association of school administrators.
- (h) Buses united for safety.
- (i) A member representing nonpublic schools.
- (j) The Michigan education association.
- (k) The Michigan association of school boards.
- (l) Other organizations representing school bus drivers as the department considers appropriate.
- (m) Any other organizations or groups the department considers necessary.

(2) The advisory committee shall include members representing bus drivers and supervisors in rural areas, suburban areas, and cities in the Lower and Upper Peninsula.

(3) The advisory committee shall assist the department in the development of continuing education courses for school bus drivers and supervisors, any modifications to the introductory school bus safety course, the program to evaluate driving skills and on-road procedural performance skills of each school bus driver, and the minimum threshold for a required safety evaluation, which may include, but is not limited to, number of points on a driving record, operating impaired or under the influence of alcohol, at-fault accidents, or violations of safety procedures, for requiring drivers to take the on-road driver skills test.

(4) The advisory committee shall assist the department in updating physical examination requirements as necessary to comply with changes in federal and state law or rules.

(5) By August 15, 1991 the advisory committee shall complete and present to the state board of education, along with their recommendations, a study of the feasibility, safety, and fiscal implications of requiring school bus and pupil transportation vehicle drivers to take the on-road driver skills test within each 4-year period the driver is assigned to drive a school bus or pupil transportation vehicle.

(6) By October 1, 1991 the advisory committee shall complete and present to the legislature, a study of the feasibility, safety, and fiscal impact of an all right hand drop procedure for boarding and discharging passengers from a school bus.

(7) By January 1, 1992 the advisory committee shall complete and present to the legislature a study of the feasibility, safety, and fiscal implications of using transit style school buses exclusively. The study shall include, but not be limited to, an estimate of the current number of transit style school buses and other school bus types, the cost differential between the types based on passenger capacity, the accident rate for 1989 on transit and nontransit style school buses, and the estimated annual savings if the frequency and severity of personal injuries and property damages are reduced by the use of transit style school buses.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

**257.1871 Instruction and training on new procedures.**

Sec. 71. A school shall provide instruction and training for its drivers on any new procedures required by this act not more than 30 days after the effective date of this act.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

**257.1873 Violation as misdemeanor, felony, or civil infraction; penalty; powers of motor carrier officers.**

Sec. 73. (1) A person who violates this act is guilty of a misdemeanor, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Unless another penalty is provided in this act or by the laws of this state, a person convicted of a misdemeanor for the violation of this act shall be punished by a fine of not more than \$500.00, or by imprisonment for not more than 3 months, or both.

(3) Motor carrier officers appointed by the director of the department of state police shall have all the powers

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conferred upon peace officers by the general laws of this state to enforce this act and the rules promulgated pursuant to this act.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1875 Effective date.**

Sec. 75. This act shall take effect August 15, 1990.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

### **257.1877 Conditional effective date.**

Sec. 77. This act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) Senate Bill No. 843.

(b) Senate Bill No. 844.

**History:** 1990, Act 187, Eff. Aug. 15, 1990.

**Compiler's note:** Senate Bill No. 843, referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 188, Eff. Aug. 15, 1990.

Senate Bill No. 844, also referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 189, Eff. Aug. 15, 1990.

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